

THE CORPORATION OF THE TOWNSHIP OF WOOLWICH

BY-LAW NUMBER 1-93

A BY-LAW TO MAINTAIN, MANAGE AND REGULATE CEMETERIES IN THE TOWNSHIP OF WOOLWICH.

WHEREAS it is provided by Section 50, Cemeteries Act (Revised) R.S.O. 1990 Chapter 4, that By-laws may be passed by councils of local municipalities for the maintenance, management, regulation and control of any cemetery owned by the Municipality.

AND WHEREAS it is expedient to pass a By-law for the maintenance, management, regulation and control of the Cemeteries in Schedule "A" and Schedule "B" attached to and forming a part of this By-law;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WOOLWICH ENACTS AS FOLLOWS:

PART 1
DEFINITIONS

- 1.1 "MINISTRY" shall mean the Ministry of Consumer and Commercial Relations for Ontario, or any other Ministry, which, from time to time, is appointed by law to regulate cemeteries in the Province of Ontario;
- 1.2 "TOWNSHIP" shall mean The Corporation of the Township of Woolwich;
- 1.3 "SUPERINTENDENT" shall mean the Recreation Facilities Manager;
- 1.4 "SECRETARY-TREASURER" shall mean the Parks and Recreation Department secretary;
- 1.5 "LOT" shall mean a place of burial; an excavation in the earth for the reception of a corpse;
- 1.6 "PLOT" shall mean two or more lots in which the rights to inter have been sold as a unit; ("concession");
- 1.7 "PLAN" shall mean the plan of a Cemetery, as approved by the Ministry and the Township;
- 1.8 "INTERMENT RIGHT CERTIFICATE" shall mean the certificate issued by the Township to the purchaser of interment rights;
- 1.9 "MONUMENT" shall mean any permanent memorial projecting above the ground level;
- 1.10 "MARKER" shall mean any memorial of granite, marble or bronze set flush with the surface of the ground and used to mark the location of a grave;
- 1.11 "CORNER POSTS" shall mean any stone or other markers set flush with the surface of the ground and used to indicate the corners of a lot.

PART II
DUTIES OF THE SECRETARY-TREASURER

- 2.1 It shall be the duty of the Secretary-Treasurer and he/she shall have the authority on behalf of the Township as follows:
 - 2.1.1 To receive all monies for the sale of Interment Rights, and for Care and Maintenance Fund, all other monies received by the Township and all other monies or other property given, allocated, bequeathed or set aside, for the

upkeep or care of any lot or portion of the cemetery, and all other monies and property receivable by the Township with respect to the Cemetery.

2.1.2 To set aside for Care and Maintenance forty (40%) percent of all monies received on the sale of Interment Rights, to set aside for Care and Maintenance all monies received for the placement of monuments and markers as prescribed by the regulations under the Cemeteries Act (Revised) and to set aside all other monies received for that purpose. To set aside for the purpose of upkeep and care of any lot or portion of the Cemetery, any monies or other properties given, allocated, bequeathed or set aside for such purposes and to invest the same, subject to approval of the Township, in such securities as may from time to time be authorized by the provisions of the Trustees Act or Cemeteries Act (Revised).

2.1.3 To receive and transfer to the credit of the Township, all interest received from the Care and Maintenance Fund investments and all interest and other income from monies invested or from other property given, allocated, bequeathed or set aside for the purpose of the upkeep of any lot or portion of the Cemetery.

PART III

SALE AND TRANSFER OF INTERMENT RIGHTS

3.1 Interment rights in lots may be purchased from the Township at the rates filed with the Ministry according to the plans approved by the Ministry and on file in the Office of the Municipal Clerk of the Township.

3.2 Purchasers of the Interment Rights acquire only the right and privilege of burial of the dead and of installing markers and monuments, subject to the rules and regulations in force and approved by the Ministry.

3.3 All payments for the lots shall be made to the Treasury Department.

3.4 Each purchaser of a lot shall be entitled to an Interment Rights Certificate as approved by the Ministry. Such certificate shall only be issued when all applicable charges and fees have been paid. No monument or marker shall be placed on any lot until all outstanding charges have been paid.

3.5 In accordance with Section 44 (2) of the Cemeteries Act (Revised) lots not under the Care and Maintenance may be cared for on an annual basis at the price shown on the approved Tariff of Charges in effect for the current year.

3.6 The transfer of Ownership of Interment Rights is not binding upon the Cemetery until a duly executed transfer has been deposited with the Secretary-Treasurer. The fee for the Transfer of Interment Rights shall be in accordance either the approved Tariff of Charges in effect at that time. Transfer of Interment Rights shall be in accordance with the Regulations under the Cemeteries Act (Revised).

3.7 In accordance with Section 23 (1), Cemeteries Act (Revised) and the prescribed Regulations, the Township will repurchase the interment rights at any time. The repurchase price of interment rights shall be determined by establishing the amount paid by the purchaser for the rights less the amount the Township paid into the Care and Maintenance Fund in respect of the specified interment rights.

3.8 The Secretary-Treasurer will provide each Rights Owner at the time of sale with:

- (i) copy of the Contract
- (ii) copy of the Cemetery By-law; and
- (iii) upon payment in full, a Certificate of Interment Rights

3.9 Interment Rights Owners are required to provide the Secretary-Treasurer with any change of address.

3.10 Sections AA, BB, CC are for the interment of cremation remains, stillbirths and infants.

PART IV
INTERMENTS AND DISINTERMENTS

- 4.1 No interment, disinterment or placement of any type of marker or monument shall be allowed in any lot against which there are any unpaid charges.
- 4.2 All interments in lots shall be restricted to the owner of the lot on written order of the owner, or an executor of the owner.
- 4.3 No person shall be allowed to make any grave, or open or close any vault or tomb in the said Cemeteries unless by special sanction of the Township. The Superintendent or his/her designate shall attend all funerals held in the said cemeteries and fill in all graves after interments and generally do all such services as may be required in connection with funerals. The Superintendent shall be responsible for the maintenance of all burial lots or plots of the said Cemeteries, provided that the said Superintendent shall not make any grave on any lot unless and until the person or persons ordering the same shall first exhibit to him a warrant signed by the Director of Parks and Recreation authorizing him to do so, such warrant to state the number of the lot or lots in respect of which the service is to be rendered, and the owner thereof.
- 4.4 A burial permit issued by the Division Registrar, showing that the death has been registered, must be deposited with the Superintendent or his representative before the interment can take place.
- 4.5 For each interment the Secretary-Treasurer or his/her designate shall prepare the Contract for the Purchase of Interment Rights or Cemetery Services and Supplies in accordance with the Cemeteries Act (Revised) showing the name, date of interment, location, name of Funeral Director, record of applicable fees and a copy of the Burial Permit or Cremation Certificate shall be attached.
- 4.6 The Superintendent or the Township shall not be responsible for any error occurring from want of precise or proper instructions regarding the location of any burial, nor where such instructions are not given in writing, any such erroneous instructions shall be the sole responsibility of the person or persons giving the same.
- 4.7 Notice of each interment to be made shall be given to the Superintendent or his representative twenty-four (24) hours previous thereto except under special circumstances. The Township cannot be responsible for having graves prepared for funerals unless such notice is given.
- 4.8 No interment shall be made on Sunday or Statutory Holiday, except if a medical certificate indicates that burial must be made within 24 hours of death, or unless prior approval is granted by the Superintendent. Interments conducted on Sundays or Statutory Holidays shall be subject to a Superintendent Fee as outlined in the Tariff Charges.
- 4.9 No grave or vault shall be opened for interment or disinterment by any person not in the employ of the Township, except under special circumstances and by permission of the Township.
- 4.10 In one standard size (adult) grave, the number of interments shall be restricted to one (1) Interment and up to a maximum of four (4) cremation burials, providing that the regular interment precedes any cremation burial.
- 4.11 The interment fee includes the opening and closing of the lot, registration of the interment and earth cover. The interment fee shall be in accordance with the Tariff of Charges in effect at the time of the interment.
- 4.12 Disinterment of human remains shall be in accordance with the provisions of the Cemeteries Act (Revised).
- 4.13 Funeral corteges within the Cemetery shall follow the route indicated by the Superintendent.

- 4.14 The setting up and removal of artificial grass, lowering devices, and other interment accessories at a gravesite shall be the responsibility of the Funeral Director.
- 4.15 All funeral flowers and containers are to be removed from the gravesite within seven days or the same will be removed by the Superintendent.
- 4.16 Winter interment shall mean all interment between the first day of December in any year and the thirty-first day of March of the following year.
- 4.17 All persons burying their dead in the Elmira Union Cemetery or the St. Theresa Roman Catholic Cemetery shall be at liberty to do so according to their own religious or other ceremonies.
- 4.18 No gratuities shall at any time be given to any officer or employee of the Township, nor shall any reward be given for any personal services or attention.

PART V
CARE OF LOTS

- 5.1 All lots and graves sold or assigned shall be properly maintained by the Township.
- 5.2 No lot or grave shall be defined or enclosed by a fence, railing, coping, hedge or any enclosure or markers, other than the corner posts or markers level with the sod. Lettered boards, metal enclosures or designs of any inscription designating graves are prohibited. When any such enclosure heretofore erected around any lot which, by reason of neglect or age has become unsightly or objectionable, the Township may notify the lot owner in writing, of the repairs necessary to restore the enclosure to a satisfactory condition.
- 5.3 Trees, shrubs, flowering or other plants may be cultivated on lots, but only such varieties as are in keeping with the general plan of the grounds and subject to the approval of the Superintendent. No tree or shrub growing within the lot may be removed or injured without the consent of the Superintendent. If any tree or shrub situated in any lot, shall become, by reason of their roots or branches, in any way detrimental to the adjacent lots, drains, roads or walks, or to the general appearance of the grounds or inconvenient to the public, the Township shall have the right to remove the said trees or shrubs or such parts thereof as may be considered detrimental, dangerous, or inconvenient, provided the plot owner has failed to take corrective action within a thirty (30) day period following written notification by the Superintendent.
- 5.4 No hanging baskets will be permitted. Flowerbeds not exceeding eighteen inches in width shall be permitted in front of the bases of monuments and where there is no monument, can only be made with permission and under the supervision of the Superintendent. Planting of borders around lots is prohibited.
- 5.5 No person shall do any work upon a burial lot without the permission of the Superintendent.
- 5.6 Annual plants only, are to be planted in the Cemeteries. Flowerbeds are required to be cleared by October 15. Lot owners desiring to take any plants away, should do so before their removal becomes necessary.
- 5.7 Vases, urns and flower stands shall be such as not to interfere with the care of the lot, and if unsightly, may be removed or prohibited by the Superintendent.
- 5.8 In order to preserve the appearance of the Cemetery grounds, artificial flowers, wreathes or any form of decoration are permitted at the base of the monument. Such wreathes or artificial decorations must be removed by October 15th of any calendar year and if left by the Rights Owner, they may be removed and disposed of by the Superintendent.
- 5.9 Rubbish shall not be thrown on roads, walks or any part of the grounds.

- 5.10 No lot owner shall change the grading of a lot, and in the event of any such change, the Superintendent shall restore the lot to its original grade at the expense of the Rights Owner.
- 5.11 No person shall remove sod, corner posts or grave markers without written authorization by the Superintendent.
- 5.12 The Township shall not be responsible for loss of or damage to any articles upon any grave or lot.
- 5.13 No person shall injure, destroy or remove any grave tools, bier or like instruments, the same being in and upon the said Cemeteries.

PART VI
MONUMENTS AND MARKERS

- 6.1 In accordance with Section 30 of the Cemeteries Act (Revised) and Regulations, a prescribed amount shall be paid into the Care and Maintenance Fund of the Cemetery prior to the installation of a monument or marker as follows:
 - 6.1.1 In the case of the installation of a flat marker measuring at least 1, 116.15 square centimetres (173 square inches) - \$50.00.
 - 6.1.2 In the case of the installation of an upright marker measuring 1.22 metres (4 feet) or less in height or 1.22 metres (4 feet) or less in length, including the base - \$100.00
 - 6.1.3 In the case of the installation of an upright marker measuring more than 1.22 metres (4 feet) in height or more than 1.22 metres (4 feet) in length, including the base - \$200.00
- 6.2 No monument or marker shall be installed on a lot until all charges including the charges listed in Paragraph 6.1 have been paid in full.
- 6.3 Corner post and markers shall be dressed on the upper surface and level with the ground, and shall be placed under the supervision of the Superintendent.
- 6.4 Markers and monuments shall be free from visible defects with respect to quality or endurance and no tablet, monument or other structure composed in whole or in part of wood or iron shall be erected.
- 6.5 All bases of monuments must be level on the bottom and the stonework next to the foundation shall have the surface squared, so as to allow full bearing upon the foundation, and no building up or underpinning with spalls or chips shall be allowed.
- 6.6 No stone projecting above the surface of the ground shall be placed in said Cemeteries, except on a base of sufficient size and depth to carry the said stone without shifting or tilting. Foundations of monuments shall extend not less than five feet below the surface of the ground, shall be level on the top and constructed of concrete and shall be the responsibility of the plot owner. No monument shall cover more than fifteen (15) percent of the total area of the lot or lots on which it is erected. Foundations must be as large in area as the base of the monument. Any slabs or markers used shall be placed flat and sunk into the ground so that the upper surface shall be level with the sod.
- 6.7 Not more than one marker or monument shall be erected on any one lot and this must be placed in the space reserved for it unless special permission is given by the Superintendent for placing it otherwise.
- 6.8 No monument shall be erected or removed without the supervision of the Superintendent, nor, between the fifteenth day of October and the first day of May without written authorization of the Superintendent.

- 6.9 No inscription shall be placed on any monument, which is not in keeping with the dignity and decorum of the Cemeteries.
- 6.10 No materials for construction or erection of monuments or tombstones shall be brought into the Cemeteries until required for immediate use, or be placed on any other lots without written permission of the Superintendent.

PART VII
RULES FOR MONUMENT DEALERS, CONTRACTORS AND WORKMEN

- 7.1 Every contractor employed to do any work in the Cemeteries shall first present an application to the Superintendent signed by the lot owner or his representative, requesting permission to employ such contractor to do the work herein specified. This application shall designate the row and lot.
- 7.2 The demeanour and behaviour of all workmen in any capacity within the Cemeteries, whether employed by others or the Township, shall be subject to the control of the Superintendent.
- 7.3 Workmen shall cease work, if in the immediate vicinity of a funeral, until the conclusion of the service.
- 7.4 All work shall be done during regular Cemetery hours, unless by written permission of the Superintendent.
- 7.5 No work shall be commenced on Saturday that cannot be finished, and litter and debris removed by the hour of noon on Saturday, unless by written permission of the Superintendent.
- 7.6 Heavy loads shall not be permitted in the Cemeteries when the roads are in an unfit condition.
- 7.7 No monument work shall be delivered to the Cemetery until the foundation is completed and the contractor is ready to proceed with the work of erection.
- 7.8 All implements and materials used in the performance of any work shall be placed where the Superintendent may direct, and all rubbish and surplus earth shall be removed in such manner and at such time and to such place as the Superintendent may order. Otherwise the obstructions will be removed, and the expense charged to the owner of the lot.
- 7.9 Any workman who damages any lot, tombstone or monument or other structure, or otherwise does any injury in the Cemeteries, shall be personally responsible for such damage or injury, and in addition his employer shall be liable for any damages.

PART VIII
RULES FOR VISITORS

- 8.1 Visitors are always welcome at the Cemetery during the open hours from eight a.m. to sundown. They are asked to remember the respect due to the dead.
- 8.2 No parades other than funeral processions shall be admitted to organize within the Cemetery.
- 8.3 Children under the age of twelve years are not admitted to the grounds except in charge of an adult, who shall be responsible for their good conduct.
- 8.4 Vehicles within the Cemeteries shall be driven at a moderate rate of speed not exceeding fifteen kilometres per hour and shall not leave the roadways.
- 8.5 Proprietors of vehicles and their drivers shall be held responsible for any damage done by them.

- 8.6 Discharging of firearms, other than in regular volleys at burial services (such as a military funeral), is prohibited in and around the Cemeteries.
- 8.7 No picnic party shall be permitted in the Cemeteries ground.
- 8.8 All persons are prohibited from taking flowers, plants or other materials from lots or graves in the Cemeteries or for picking any flowers, either wild or cultivated, or breaking any tree, shrub or plant, or writing upon, defacing or injuring any monument, fence or other structure in or belonging to the Cemeteries, or from making any paths or shortcuts across any part of the Cemeteries.
- 8.9 Any complaints by lot owners or visitors should be made in writing to the Superintendent and not to workmen on the grounds and controversies with workmen or others on the grounds are to be avoided.
- 8.10 Any person disturbing the quiet and good order of the Cemeteries by noise or other improper conduct or who violates these rules, may be expelled from the grounds.

PART IX
OTHER

- 9.1 All workmen in any capacity within the Cemeteries shall be subject to the direction and control of the Township.
- 9.2 The Tariff of Charges to regulate the fees and charges to be paid by Rights Owners when purchasing Interment Rights or requiring services in the Cemetery shall be the approved charges in effect at the time.
- 9.3 Subject to the Cemeteries Act (Revised) and the regulations thereunder, and the approval of the Ministry of Consumer and Commercial Relations, the Township may, from time to time, review and adopt a Revised Tariff of Charges.
- 9.4 Any person who contravenes any provision of this By-law, shall be guilty of an offence subject to the provisions and penalties of the Cemeteries Act (Revised).
- 9.5 That the plan for the Elmira Union Cemetery shall be as shown in Schedule "A" as attached to and becoming a part of this By-law.
- 9.6 That the plan for the St. Teresa Roman Catholic Cemetery shall be as shown in Schedule "B" as attached to and becoming part of this By-law.
- 9.7 This By-law shall become effective from and after the date of passing thereof and following the approval.

THAT By-law Number 60-87 of the Township of Woolwich and all other By-laws inconsistent with this By-law are hereby repealed.

PASSED this 12th day of January 1993.

Bob Waters
Mayor

Kris Fletcher
Clerk